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Attorneys for Court-Appointed
Receiver W. Lawrence Patrick

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

WB MUSIC CORP., et al.,
Plaintiffs,
v.
ROYCE INTERNATIONAL BROADCAST-
ING CORP., et al.,
Defendants.

CASE No. 5:16-cv-00600-JGB-SPx

**EX PARTE APPLICATION FOR ISSU-
ANCE OF WRIT OF EXECUTION AS
TO ALL DEFENDANTS EXCEPT SIL-
VER STATE BROADCASTING LLC
AND GOLDEN STATE BROADCAST-
ING LLC; MEMORANDUM IN SUP-
PORT**

EX PARTE APPLICATION

By this Ex Parte Application receiver W. Lawrence Patrick ("Receiver") ap-
plies ex parte for the issuance of writs of execution, and such further documents re-
quested by the Receiver in aid of enforcement of the fee orders, against defendants
Royce International Broadcasting Corporation, Playa Del Sol Broadcasters, and Ed-
ward R Stolz, II in order to enforce this Court's awards of fees and costs.

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MEMORANDUM IN SUPPORT

I. ARGUMENT

On August 26, 2021, the Court entered its Order Granting in Part Receiver's Motion for Fees, etc. (the "First Fee Order") and awarded the Receiver fees and costs in the principal amount of \$590,340.10. (Doc. 486 at 5.) The First Fee Order required payment within thirty days. (*Id.* at 7 ["Defendants shall satisfy the amounts above within thirty days of the date of this order, at which point interest shall begin to accrue."].) Defendants did not pay as required. The award carried a .08% interest rate and the sums due have incurred \$731.05 in interest.

On February 22, 2023, the Court issued its Order Approving Final Report and Accounting as to all defendants except Silver State Broadcasting, LLC and Golden State Broadcasting and Awarding Fees and Costs (the "Second Fee Order"). (Doc. 507.) The Second Fee Order approved additional fees and costs to the Receiver in the amount of \$1,487,736.85. (*Id.*) Treating the Second Fee Order like the First Fee Order, thirty days passed without payment by the Defendants of the amounts due under the Second Fee Order. The Second Fee Order carries an interest rate of 4.97% and the sums due under that order have accrued interest of \$4,051.54.

In light of the Defendants non-payment of the First Fee Order and the Second Fee Order, the Receiver respectfully requests that the Court authorize the issuance of writs of execution, and such further documents requested by the Receiver in aid of enforcement of the fee orders, against Defendants Royce International Broadcasting Corporation, Playa Del Sol Broadcasters, and Edward R Stolz, II so that these sums may be collected by the Receiver for the services he rendered as well as the services rendered by his professionals.

This Receiver brought this request by Application rather than requesting the Clerk of the Court issue writs of execution for two reasons. First, to give the Court the opportunity to direct the Receiver to enforce the First Fee Order and Second

Fee Order by a motion for contempt rather than as money judgments. Second, because issuance of a writ under these circumstances is slightly unusual, but warranted. Federal Rule of Civil Procedure ("FRCP") 69 provides for the issuance of writ of execution following entry of a money judgment. A "judgment" under FRCP 54 includes appealable orders. The Second Fee Order approves the Final Accounting and is (or was) an appealable order. Thus, it may be enforced under FRCP 69.

II. COMPLIANCE WITH LOCAL RULES 7-19 AND 7-19.1

Local Rule 7-19 provides, in pertinent part that:

An application for an ex parte order shall be accompanied by a memorandum containing, if known, the name, address, telephone number and e-mail address of counsel for the opposing party[.]

Contact information for counsel for Defendants is as follows:

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Local Rule 7-19.1 provides that:

It shall be the duty of the attorney so applying (a) to make reasonable, good faith efforts orally to advise counsel for all other parties, if known, of the date and substance of the proposed ex parte application and (b) to advise the Court in writing and under oath of efforts to contact other counsel and whether any other counsel, after such advice, opposes the application.

In advance of the filing of this application, counsel for the Receiver wrote to Mr. Sobel and Mr. Schwartz informing them of the nature of this application and inquiring whether they oppose the relief requested. (Declaration of Jack Praetzellis ["Praetzellis Decl."], Ex. 1.) Mr. Schwartz responded, indicating defendants

1 oppose the relief requested. (Praetzellis Decl. ¶ 3.) Mr. Schwartz's response is at-
2 tached to the Praetzellis Declaration as Exhibit 2. Mr. Schwartz also filed, what ap-
3 pears to be an opposition to this application. (See Doc. 508.) That opposition is
4 without merit; the writs will be issued against non-debtors and the assets of non-debt-
5 ors.

6 **III. CONCLUSION**

7 Accordingly, the Receiver respectfully requests that the Court authorize issu-
8 ance of writs of execution and such further documents requested by the Receiver in
9 aid of enforcement of the First Fee Order and the Second Fee Order against De-
10 fendants Royce International Broadcasting Corporation, Playa Del Sol Broadcast-
11 ers, and Edward R Stolz, II.

12 Dated: May 5, 2023.

13 Respectfully submitted,
14 FOX ROTHSCHILD LLP

15
16 By s/ Jack Praetzellis
17 JACK PRAETZELLIS
18 Attorneys for Court-Appointed Receiver W.
19 Lawrence Patrick
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